

Appendix S

S.0 Cottonwood Creek Wild and Scenic Rivers Eligibility Report

S.1 Introduction

This report presents the results of an eligibility study on potential additions to the National Wild and Scenic Rivers System for an identified riverine system in the Northern and Eastern Mojave Desert Management Planning Area. This eligibility report evaluates Cottonwood Creek in the White Mountains under the guidelines presented in the National Wild and Scenic River Act and within BLM Manual 8351. This report concludes with a discussion of management standards and guidelines applicable to rivers designated under the auspices of the National Wild and Scenic River Act.

S.2 Background

Federal agencies, including the Bureau of Land Management (BLM) have been mandated to evaluate potential additions to the National Wild and Scenic River System (NWSRS) per Section 5(d) of the Wild and Scenic Rivers Act of 1968 (16 United States Code 1271-1287, *et seq.*). Title 36 of the Code of Federal Regulations (CFR), Subpart 297, addresses management of Wild and Scenic Rivers. Title 43 CFR, Subpart 8350, specifically addresses designation of management areas. NWSRS study guidelines have also been published in Federal Register Volume 7, Number 173 (September 7, 1982), for public lands managed by the U.S. Departments of Agriculture and Interior. Additional guidance on wild and scenic rivers (WSR) is provided in BLM Manual 8351.

The NWSRS study process includes three regulatory steps:

1. Determinations of what river(s) and/or river segment(s) are **eligible** for WSR designation.
2. Determination of eligible river(s) and/or segment(s) potential **classification** with respect to wild, scenic, recreational designation, or any combination thereof.
3. Conducting a **suitability** study of eligible river(s) and/or segment(s) for inclusion into the NWSRS, via legislative action. An environmental impact statement (EIS) is commonly prepared to document the analysis needed for this suitability determination/WSR designation.

Any river or river segment on public lands found eligible for inclusion in the NWSRS is to be managed as if this river/segment were designated, until such time as a suitability determination is made. This requires management of public lands within 0.25 mile of the subject river/segment, to conform to management standards and guidelines presented in applicable federal agency manuals for wild and scenic rivers until the suitability determination is completed.

If a river or river segment is found suitable for inclusion to the NWSRS, the U.S. Congress must then pass legislation so designating this river/segment, prior to its formal addition to the NWSRS. In addition to federal agencies, private individuals and/or groups, as well as state governments, can nominate rivers and/or segments for inclusion.

Only the first two determinations, i.e., eligibility and classification, are documented in this report and the impacts evaluated in the attached Northern and Eastern Mojave Desert Proposed Plan and Environmental Impact Statement. The remaining suitability determination would be completed in a separate document, and analyzed in an EIS format. The results of the suitability determination would amend the applicable land use plan, i.e., the California Desert Conservation Area (CDCA) Plan (BLM 1980, as amended).

To meet eligibility criteria for wild and scenic river designation, a river or segment must be free-flowing in nature and must possess one or more outstandingly remarkable cultural, fish/wildlife, geologic, historic, recreational or scenic values within its immediate proximity. Free flowing, as defined in Section 16(b) of the WSRA, reflects water flowing in a natural condition without impoundment, diversion, straightening, or other modification of the waterway. However, the existence of low dams, diversion works, and other minor structures at the time of designation, does not necessarily bar consideration for inclusion on the NWSRS. Nor are there any minimum river or segment lengths necessary for inclusion. Considerations in defining study rivers and/or study river segments should include land ownership patterns, physical changes in the river/segments and their environs, as well as the type and amount of human modification of lands bordering identified rivers/segments.

The term “outstandingly remarkable” is not clearly defined in the NWSRS, necessitating professional judgement by submitting parties. In general, the term is defined as a resource, which is considered more than simply ordinary, in the context of the local region. Examples include areas supporting an “A” Scenic Quality Rating (BLM Manual 8400); habitats for threatened and/or endangered plants/animals; exemplary physiographical, ecological, geological or recreational type locations; and areas where little human modification is evident or where terrain is rugged and physically challenging to traverse.

S.2.1 Description of River Under Consideration

Cottonwood Creek is the longest perennial stream on the East Side of the White Mountains. The headwaters originate at over 11,000 feet in the Inyo National Forest and flow for 17.4 miles before entering the public lands. This initial segment, from the headwaters to the forest boundary, was recommended as eligible for scenic designation by the U.S.F.S. in 1993. The 4.7 miles on public land evaluated in this report runs from the forest boundary to the mouth of Cottonwood Canyon.

The creek segment evaluated in this report is within Inyo County at the far northern edge of the California Desert Conservation Area. The nearest rural communities are Big Pine approximately 25 miles to the southwest and Bishop, California, 30 miles to the west. This segment is completely on lands managed by the BLM, Ridgecrest Field Office.

Modification has occurred at the far eastern boundary of this segment, where Cottonwood Creek has been diverted for agricultural uses.

S.2.2 Description of Segment(s) Under Consideration

Considerations for National Wild and Scenic Rivers System (NWSRS) eligibility are based on resource values, land ownership patterns, shoreline development, proximity of roads and previous river modifications.

As a consequence of the analysis documented herein, an eligibility determination for a 4.7-mile long segment of the Cottonwood Creek occurring in the state of California has been made. The required suitability study on these segments will be deferred until after the Record of Decision for the Northern and Eastern Mojave Desert Plan amendment to the CDCA Plan.

S.2.3 Recommended NWSRS Segment Classification and Land Ownership

Once determined eligible, river segments are tentatively classified for study as either wild, scenic, or recreational, based on the degree of access and amount of development along the river area. If Congress designates a river or segment, the enabling legislation generally specifies the classification.

Accessibility, primitive nature, number and type of land developments, structures, water resource developments, and water quality were all considered in assigning classifications. The primary criteria for the three classifications are outlined below [from *A Compendium of Questions & Answers Relating to Wild & Scenic Rivers* (Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council 1999)]:

Wild River Areas: Those rivers, or sections of rivers, that are free from impoundments, generally inaccessible except by trail (no roads), with watersheds or shorelines essentially primitive, and having unpolluted waters.

Scenic River Areas: Those rivers, or sections of rivers, that are free from impoundments, having shorelines or watersheds largely primitive and undeveloped, but accessible in places by roads (i.e., roads may cross but generally not parallel [in close proximity to] the river. These rivers or segments of rivers are usually more developed than wild and less developed than recreational. This classification may or may not include scenery as a Outstandingly Remarkable Value (ORV).

Recreational River Areas: Those rivers or sections of rivers that are readily accessible by road or railroad, may have had some development of the shoreline, and may have had some impoundment or diversion in the past. This classification, does not, however, imply that recreation is an Outstandingly Remarkable Value.

With these criteria in mind, as well as Outstandingly Remarkable Value data related to differing segments of Cottonwood Creek, the following classifications have been recommended for that portion of the river determined eligible for inclusion to the NWSRS:

Table S.1 – Portion of the River Determined Eligible for Inclusion to the NWSRS

Riverine Segment	Classification	Public Land Miles	Private Land Miles
USFS Boundary to Canyon Entrance	Recreational	4.7	0.00

Cottonwood Creek was considered eligible for inclusion in the NWSRS because of values identified by the BLM in the completed CDCA Plan and during development of the ongoing Northern and Eastern Mojave Desert Plan. Outstandingly Remarkable Values for this portion of the Cottonwood Creek include the following:

Animals and Plants

Cottonwood Creek supports Willow/ Cottonwood Riparian Woodland considered an Unusual Plant Assemblage in the California Desert Conservation Area Plan. Wildlife supported by this plant community include a number of special status and/or sensitive bird species such as yellow warbler, yellow-breasted chat, prairie falcon, and sharp-shinned and Cooper's hawk. The basin is potentially suitable habitat for the southwestern willow flycatcher, a Federally endangered species. This segment of Cottonwood Creek supports over 70 species of birds.

The lower segment of Cottonwood Creek is also an important habitat for the spotted bat, which is a federal and California state special concern species.

Paiute cutthroat trout, a federally threatened species, inhabit the north fork of Cottonwood Creek in the Inyo National Forest. The recovery plan for the Paiute cutthroat trout calls for the expansion of the population throughout the Cottonwood basin and into this segment. At present, the segment is habitat for brown trout, a popular game species.

Recreational

The presence of a perennial stream of this size in such an arid region offers visitors a unique and outstanding semi-primitive water-based recreation opportunity. Activities include trout fishing, hiking, bird watching, primitive camping, four-wheel drive exploration, upland game bird, mule deer hunting, photography, mountain biking, and equestrian uses.

Scenic

The Cottonwood Creek segment identified as eligible on public lands has been inventoried as having a Class "A" (Excellent) scenic quality rating, per BLM Visual Resource Management guidelines. The lush riparian plant community along the creek bottom contrasts dramatically with the surrounding stark and primitive White Mountain Wilderness Study Area located to the north and south of the drainage. Designation of these lower 4.7 miles, in addition to the upper segments on the Inyo National Forest, would provide protection for nearly the entire reach of the Cottonwood Creek drainage, a span of over 22 miles. With designation, these two segments of Cottonwood Creek would form the only Wild & Scenic River in the Great Basin Geographic Province protected entirely from the headwaters to its terminus.

S.2.4 Interim Protection

The WSR Act and federal guidelines require federal agencies, upon determination of WSR eligibility, to provide interim protection and management for a river's free-flowing character and any identified outstandingly remarkable values, subject to valid existing rights, until such time as a suitability study is completed. Upon study completion, the federal agency (BLM in this instance) then makes a recommendation to Congress, and Congress then acts on that recommendation.

S.3 Management Standards and Guidelines for National Wild and Scenic Rivers

The Wild and Scenic Rivers Act (Public Law 90-542, as amended) established a method of providing federal protection for certain of our remaining free-flowing rivers, and preserving these locales for the use and enjoyment of present and future generations. Such designated rivers benefit from the protective management, which the act provides. Section 10(a) of the WSR Act states:

“Each component of the NWSRS shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration, primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.”

This section is generally interpreted by the Secretary of the Interior as a stated non-degradation and enhancement policy for all designated river areas, regardless of classification.

The following National Standards and Guidelines are summarized from BLM Manual 8351 [Wild and Scenic Rivers-Policy and Program Direction for Identification, Evaluation and Management (1992)]. These standards/guidelines are intended to apply to formally designated rivers through incorporation into, or amendment of, resource or land use management plans. Incorporation or amendment efforts are typically completed within three years of formal WSR designation. However, these guidelines also apply, on an interim basis, as described above. For the sake of clarity, guidelines are presented for each separate river classification (wild, scenic and recreational).

S.3.1 Wild River Areas

Wild river areas are defined by the WSR Act to include “those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds and shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.”

Wild river areas are to be managed with a primary objective of providing emphasis to protection of identified Outstandingly Remarkable Values while providing consistent, river-related, outdoor recreation opportunities in a primitive setting.

Wild river areas are where National Management Standards/Guidelines include allowable practices such as construction of minor structures related to wildlife habitat enhancement, protection from fire, and rehabilitation or stabilization of damaged resources, provided the area will remain natural-looking and the practices or structures will harmonize with the environment. Developments such as trails, bridges, occasional fencing, natural-appearing water diversions, ditches and water management devices, may be permitted if they are unobtrusive and do not have a significant, adverse impact on the natural character of the river area. The following Wild River Program Management Standards apply:

Forestry Practices

Cutting of trees not permitted except when needed in association with a primitive recreation experience (such as clearing trails, for visitor safety purposes, or for fire control). Timber outside the boundary, but within visual corridors, should where feasible, be managed and harvested in a manner designed to provide special emphasis on visual quality.

Water Quality

Conditions will be maintained or improved to meet federal criteria or federally approved state standards. River management plans shall prescribe a process for monitoring water quality on a scheduled basis.

Hydroelectric Power and Water Resource Development

No such development would be permitted in the channel or river corridor. All water supply dams and major diversions are prohibited. The natural appearance and essentially primitive character of the river area must be maintained. Federal agency groundwater development for range, wildlife, recreation or administrative facilities may be permitted if there are no adverse effects on ORVs.

Mining

New mining claims and mineral leases are prohibited within 0.25 mile of the river. Valid existing claims would not be abrogated and, subject to existing regulations, e.g., 43 CFR 3809, and any future regulations the Secretary of the Interior may prescribe to protect the rivers included in the NWSRS, existing mining activity would be allowed to continue. All mineral activity on federally administered land must be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution and visual impairment. Reasonable mining claim and mineral lease access will be permitted. Mining claims beyond 0.25 mile of the river, but within the wild river boundary, and perfected after the effective date of designation, can be patented only as to the mineral estate and not the surface estate.

Road and Trail Construction

No new roads or other provisions for overland motorized travel would be permitted within a narrow incised river valley or, if the river valley is broad, within 0.25 mile of the river bank. A few inconspicuous roads leading to the boundary of the river area and unobtrusive trail bridges may be permitted.

Agricultural Practices and Livestock Grazing

Agricultural use is restricted to a limited amount of domestic livestock grazing and hay production to the extent currently being practiced. Row crops are prohibited.

Recreation Facilities

Major public use areas, such as campgrounds, interpretive centers, or administrative headquarters are located outside of wild river areas. Simple comfort and convenience facilities, such as toilets, tables, fireplaces, shelters and refuse containers may be provided as necessary within the river area. These should harmonize with the surroundings. Unobtrusive hiking and equestrian trail bridges could be allowed on tributaries, but would not normally cross the designated river.

Public Use and Access

Recreational use including, but not limited to, hiking, fishing, hunting and boating is encouraged in wild river areas to the extent consistent with the protection of the river environment. Public use and access may be regulated and distributed where necessary to protect and enhance wild river values.

Rights-of-Way

New transmission lines, natural gas lines, water lines, etc., are discouraged unless specifically prohibited outright by other plans, orders or laws. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques will be selected to minimize adverse effects on wild river area-related values and fully evaluated during the site selection process.

Motorized Travel

Although this use can be permitted, it is generally not compatible with this river classification. Normally, motorized use will be prohibited in a wild river area. Prescriptions for management of motorized use may allow for search and rescue/emergency situations.

S.3.2 Scenic River Areas

Scenic rivers are defined by the WSR Act to include “those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.”

Scenic rivers are to be managed with a primary objective of maintaining and providing outdoor recreation opportunities in a near-natural setting. The basic distinctions between “wild” and “scenic” classifications, involve varying degrees of development, types of land use, and road accessibility. In general, a wide range of agricultural, water management, silvicultural and other practices could be compatible with scenic classification values, providing such practices are carried out in a manner not resulting in a substantial adverse effect on the river and its immediate environment.

Scenic rivers are where National Management Standards/Guidelines include the same considerations set forth for wild rivers, except that motorized vehicle use may in some cases be appropriate and that development of larger scale public-use facilities within the river area, such as moderate-sized campgrounds, interpretive centers, or administrative headquarters would be compatible, if such facilities were screened from the river. The following Scenic River Program Management Standards apply:

Forestry Practices

Silvicultural practices, including timber harvesting could be allowed, provided that such practices are carried out in such a way that there is no substantial adverse effect on the river and its immediate environment. The river should be maintained in its near-natural condition.

Timber outside the boundary, but within the visual screen area, should be managed and harvested in a manner designed to provide special emphasis on visual quality. Preferably, reestablishment of tree cover would be through natural revegetation. Cutting of dead and down materials for fuel wood will be limited. Where necessary, restrictions on the use of wood for fuel may be prescribed.

Water Quality

Conditions will be maintained or improved to meet federal criteria or federally approved state standards. River management plans shall prescribe a process for monitoring water quality on a scheduled basis.

Hydroelectric Power and Water Resource Development

No such development would be permitted in the channel or river corridor. Flood control dams and levees would be prohibited. All water supply dams and major diversions are prohibited. Maintenance of existing facilities and construction of some new structures would be permitted, provided that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment.

Mining

Subject to existing regulations, e.g. 43 CFR 3809, and any future regulations the Secretary of the Interior may prescribe to protect the rivers included in the NWSRS, new mining claims and mineral leases can be allowed. All mineral activity on federally administered land must be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution and visual impairment. Reasonable mining claim and mineral lease access will be permitted. Mining claims within the wild river boundary, and perfected after the effective date of designation, can be patented only as to the mineral estate and not the surface estate.

Road and Trail Construction

Roads may occasionally bridge the river and short stretches of conspicuous or lengthy stretches of inconspicuous and well-screened roads would be allowed. Maintenance of existing roads and any new roads will be based on the type of use for which the roads are constructed and the type of use that will occur in the river area.

Agricultural Practices and Livestock Grazing

In comparison to wild river areas, a wider range of agricultural and livestock grazing uses are permitted, to the extent currently being practiced. Row crops are not considered as much of an intrusion of the “largely primitive” nature of scenic corridors, as long as there is not a substantial adverse effect on the natural-like appearance of the river area.

Recreation Facilities

Larger-scale public use areas, such as moderate-sized campgrounds, interpretive centers, or administrative headquarters, are allowed if such facilities are screened from the river.

Public Use and Access

Recreational use including, but not limited to, hiking, fishing, hunting and boating is encouraged in scenic river areas to the extent consistent with the protection of the river environment. Public use and access may be regulated and distributed where necessary to protect and enhance scenic river values.

Rights-of-Way

New transmission lines, natural gas lines, water lines, etc., are discouraged unless specifically prohibited outright by other plans, orders or laws. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques will be selected to minimize adverse effects on scenic river area-related values and fully evaluated during the site selection process.

Motorized Travel

This use, on land or water, could be permitted, prohibited or restricted to protect river values. Prescriptions for management of motorized use may allow for search and rescue/emergency situations.

S.3.3 Recreational River Areas

Recreational river areas are defined by the WSR Act to include “those rivers or sections of rivers that are readily accessible by road or railroad that may have some development along their shorelines, that may have undergone some development along their shorelines, and that may have undergone some impoundment or diversion in the past.”

Recreational river areas are to be managed with an objective of protecting and enhancing existing recreational values. The primary objective is to provide opportunities for the public to participate in recreation activities dependent on, or enhanced by, the largely free-flowing nature of the river.

Recreational river areas are where National Management Standards/Guidelines include allowable practices such as construction of recreation facilities in proximity to the river, although recreational river classification does not require extensive recreational developments. Such facilities are still to be kept to a minimum, with visitor services provided outside the river area. Future construction of impoundments, diversions, straightening, riprapping and other modification of the water way or adjacent lands would not be permitted, except where such developments would not have a direct and adverse effect on the river and its immediate environment. The following Recreational River Program Management Standards apply:

Forestry Practices

Silvicultural practices, including timber harvesting could be allowed under standard restrictions to avoid adverse effects on the river environment and its associated values.

Water Quality

Conditions will be maintained or improved to meet federal criteria or federally approved state standards. River management plans shall prescribe a process for monitoring water quality on a scheduled basis.

Hydroelectric Power and Water Resource Development

No such development would be permitted in the channel or river corridor. Existing low dams, diversion works, riprap and other minor structures may be maintained, provided the waterway remains generally natural in appearance. New structures may be allowed, provided that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment.

Mining

Subject to existing regulations, e.g. 43 CFR 3809, and any future regulations the Secretary of the Interior may prescribe to protect the rivers included in the NWSRS, new mining claims and mineral leases can be allowed. All mineral activity on federally administered land must be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution and visual impairment. Reasonable mining claim and mineral lease access will be permitted. Mining claims within the wild river area boundary perfected after the effective date of designation can be patented only as to the mineral estate and not the surface estate.

Road and Trail Construction

Existing parallel roads can be maintained on one or both riverbanks. There can be several bridge crossings and numerous river access points.

Agricultural Practices and Livestock Grazing

In comparison to scenic river areas, lands may be managed for a full range of agricultural and livestock grazing uses, consistent with current practices.

Recreation Facilities

Interpretive centers, administrative headquarters, campgrounds and picnic areas may be established in proximity to the river. However, recreational classification does not require extensive recreation development.

Public Use and Access

Recreational use including, but not limited to, hiking, fishing, hunting and boating is encouraged in recreational river areas to the extent consistent with the protection of the river environment. Public use and access may be regulated and distributed where necessary to protect and enhance recreational river values.

Rights-of-Way

New transmission lines, natural gas lines, water lines, etc., are discouraged unless specifically prohibited outright by other plans, orders or laws. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques will be selected to minimize adverse effects on recreational river area-related values and fully evaluated during the site selection process.

Motorized Travel

This use, on land, will generally be permitted, on existing roads. Controls will usually be similar to that of surrounding lands. Motorized travel on water will be in accordance with existing regulations or restrictions.

S.3.4 Management Objectives Common to All Wild, Scenic and Recreational Rivers

Wilderness and Wilderness Study Areas

Management of river areas that overlap designated wilderness areas or wilderness study areas will meet whichever standard is highest. If an area were released from wilderness study area status and the associated Interim Management Policy, the applicable river classification standards and guidelines would then apply.

Fire Protection and Suppression

Management and suppression of fires within a designated river area will be carried out in a manner compatible with contiguous Federal lands. On wildfires, suppression methods will be utilized that minimizes the long-term impacts on the river and river area. Pre-suppression and prevention activities will be conducted in a manner that reflects management objectives for the specific river segment. Prescribed fire may be utilized to maintain or restore ecological condition or meet objectives of the river plan.

Insects, Diseases and Noxious Weeds

The control of forest and rangeland pests, diseases and noxious weed infestations will be carried out in a manner compatible with the intent of the WSR Act and management objectives of contiguous federal lands.

Cultural Resources

Historic and prehistoric resource sites will be identified, evaluated and protected in a manner compatible with the objectives of the river and in accordance with applicable regulations and policies. Where appropriate, historic or prehistoric sites will be stabilized, enhanced and interpreted.

Fish and Wildlife Habitat Improvement

The construction and maintenance of minor structures for the protection, conservation, rehabilitation and enhancement of fish and wildlife habitat are acceptable, provided they do not affect the free-flowing characteristics of the river, are compatible with the classifications, that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment.